



**Arizona Supreme Court
Defensive Driving Board**

Arizona State Courts Building
1501 West Washington Street
Phoenix, Arizona 85007
Hearing Room 109

February 19, 2015
10:00 a.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

<i>Present:</i>	<i>Telephonically Present:</i>	<i>Absent:</i>
Daniel Edwards	Margaret Stephens-Reed	
Walter "Jack" Weberg	Melissa Caraker	
William "Patch" Pachnowski	Paul Hallums	
Thomas Davis		
Honorable Maria Brewer		

OTHER ATTENDEES:

<i>AOC Staff:</i>	<i>Guests:</i>
Anne Hunter	
Wendy Reiter	
Debbie MacDougall	
Mark Wilson	
Bill MacIntyre	
Chris DeWitt	
Michelle Jackson	
Hal White	
Michelle Martinez	

CALL TO ORDER

Called to Order By:

Daniel Edwards, Chair

Time:

10:00 a.m.

1) REVIEW AND APPROVAL OF MINUTES

Individual Addressing the Board:

Daniel Edwards, Chair

1-A: Review, discussion, and possible action regarding the regular session minutes for the meeting of December 18, 2014.

Discussion: None.

Motion: Move to accept the regular session minutes of the December 18, 2014 meeting.

Motion Proposals: First William "Patch" Pachnowski
Second Thomas Davis

Motion Results: Pass

2) INITIAL CERTIFICATION AND ELIGIBILITY

Individual Addressing the Board:

Chris DeWitt

2-A: Review, consideration, and possible action regarding pending initial certification of the following defensive driving schools:

1. Defensive Driving Online Ticket Dismissal
2. Certified Defensive Driving School Online
3. DISCOUNT Defensive Driving School Online
4. Easy... Pay-4-Less... Fun... Arizona Licensed Defensive Driving
5. LOW PRICE... SIMPLE... EASY... Arizona Licensed Defensive Driving

Discussion: Defensive Driving Online Ticket Dismissal

Motion: Move to grant initial certification and include disclosure language.

Motion Proposals: First Walter "Jack" Weberg
Second Thomas Davis

Motion Results: Pass

Recusals: Paul Hallums and William "Patch" Pachnowski

Discussion: Certified Defensive Driving School Online

Motion: Move to grant initial certification and include disclosure language.

Motion Proposals: First Walter "Jack" Weberg
Second Thomas Davis

Motion Results: Pass

Recusals: Paul Hallums and
William "Patch" Pachnowski

Discussion: DISCOUNT Defensive Driving School Online

Motion: Move to grant initial certification and include disclosure language.

Motion Proposals: First Walter "Jack" Weberg
Second Thomas Davis

Motion Results: Pass

Recusals: Paul Hallums
William "Patch" Pachnowski

Discussion: Easy... Pay-4-Less... Fun... Arizona Licensed Defensive Driving

Motion: Move to grant initial certification.

Motion Proposals: First William "Patch" Pachnowski
Second Walter "Jack" Weberg

Motion Results: Pass

Discussion: LOW PRICE... SIMPLE... EASY... Arizona Licensed Defensive Driving.

Motion: Move to grant initial certification.

Motion Proposals: First Paul Hallums
Second William "Patch" Pachnowski

Motion Results: Pass

Individuals Addressing the Board

Wendy Reiter

2-B: Review, consideration, and possible action regarding pending initial certification of the following applicants for defensive driving instructor:

1. Crispín Zamudio

2. Jose Madrid

Discussion: Crispín Zamudio

Motion: Move to grant initial certification.

Motion Proposals: First Thomas Davis
Second William “Patch” Pachnowski

Motion Results: Pass

Discussion: Jose Madrid

Motion: Move to deny initial certification.

Motion Proposals: First Walter Jack Weberg
Second William “Patch” Pachnowski

Motion Results: Pass

3) PENDING COMPLAINTS

Individuals Addressing the Board: Bill MacIntyre

3-A: Review, discussion and possible action regarding Findings of Fact, Conclusions of Law and Recommendation in complaint number 14-D012 involving defensive driving instructor, Abedirizan Said.

Discussion: Mr. Said filed an Answer and Request for Hearing which was received by Judge O’Neil on December 19, 2014, two days after the December 17, 2014 deadline. On January 7, 2015, Judge O’Neil issued an Order Denying Request for Hearing and dismissed the matter. Therefore, it is recommended the Board enter a finding of default in complaint number 14-D012 and adopt the Factual Allegations of Misconduct contained in the Notice of Formal Statement of Charges as the Findings of Fact.

Motion: Move to accept staff recommendation and adopt the Formal Charges contained in the Notice of Formal Statement of Charges as the Conclusions of Law and issue a Final Order and Cease and Desist Order revoking the certification of Abedirizan Said.

Motion Proposals: First William (Patch) Pachnowski
Second Thomas Davis

Motion Results: Pass

3-B: *Review, discussion and possible action regarding Findings of Fact, Conclusions of Law and Recommendation in complaint number 14-D006 involving West Phoenix Driving School (principal - Adde Ikar), initial certification of defensive driving school Safe Defensive Online, and initial certification of defensive driving instructor Adde Ikar*

Discussion: 14-D006: West Phoenix Defensive Driving (Ikar) did not file an Answer or request a hearing. Therefore, it is recommended the Board enter a finding of default in complaint number 14-D006 and adopt the Factual Allegations of Misconduct contained in the Notice of Formal Statement of Charges as the Finding of Fact.

It is recommended the Board adopt the Formal Charges contained in the Notice of Formal Statement of Charges as the conclusions of Law and issue a Final Order imposing a Censure to West Phoenix Driving School.

Motion: Move to accept staff's recommendation and issue the Final Order imposing a Censure.

Motion Proposals: First Paul Hallums
Second William "Patch" Pachnowski

Motion Results: Pass

Discussion: Safe Defensive Online

Motion: Move to grant initial certification for *Safe Defensive Online*.

Motion Proposals: First Walter "Jack" Weberg
Second William "Patch" Pachnowski

Motion Results: Pass

Motion: Move to grant initial instructor certification to Adde Ikar and include non-disclosure language.

Motion Proposals: First Thomas Davis
Second William "Patch" Pachnowski.

Motion Results: Pass

3-C: *Review, discussion and possible action regarding complaint numbers 14-D014/14-D015 involving Gordon Fox and 2 Pass Defensive Driving.*

Discussion: It is recommended the Board impose a one week suspension upon Gordon Fox and 2 Pass Defensive Driving School, prohibiting them during that period from registering or accepting new students and removing them from the Division website and IVR for the duration of that period. It is further recommended that Gordon Fox and 2 Pass Defensive Driving School be placed on probation for six months and

as a condition of that probation be required on a weekly basis to, in a form and substance satisfactory to the Division, report all contact from any limited jurisdiction court or student in which either alleges that Gordon Fox or 2 Pass Defensive Driving School failed to timely make payments or report student completions.

The Board rejects staff's recommendation as to the length of time recommended regarding the suspension and requests that the Division conduct an audit of the school.

Motion: Move to impose a **30-day suspension** upon Gordon Fox and 2 Pass Defensive Driving School, prohibiting them from registering and accepting new students, removing them from the website and IVR for the duration of that period and further includes that Mr. Fox and 2 Pass Defensive Driving School will be placed on probation for six months and as a condition of probation they will subject themselves to an **audit** by the Division and they will report in a form that is satisfactory to the Division all contact from any limited jurisdiction court or student that alleges that Gordon Fox or 2 Pass Defensive Driving School failed to timely make payments or report student completions and that report should be filed on a weekly basis.

Motion Proposals: First Daniel Edwards
Second Thomas Davis

Motion Results: Pass

Individuals Addressing the Board: Debbie MacDougall

3-D: *Update regarding the status of pending complaints.*

Discussion: As of February 12, 2015, there are nine (9) open complaints, three of which have been presented on this agenda with dispositive recommendations under agenda items 3-A, 3-B and 3-C.

4) RENEWAL CERTIFICATION APPLICATIONS

Individuals Addressing the Board: Wendy Reiter

4-A: *Review, discussion and possible action regarding the following pending application for renewal of defensive driving instructor certification:*

Felix Villanueva

Discussion: Felix Villanueva

Motion: Grant renewal of certification.

Motion Proposals: First Margaret Stephens-Reed
Second Judge Brewer

Motion Results: Pass
Recusal Paul Hallums, Walter “Jack” Weberg and
William “Patch” Pachnowski

5) ADMINISTRATIVE ISSUES

Individuals Addressing the Board: Debbie MacDougall

5-A: Update regarding complaints processed by diversion pursuant to Administrative Order 2012-83.

Discussion: None to report at this time.

CALL TO THE PUBLICDaniel Edwards, Chair

Discussion: None.

ADJOURNMENT

Motion: Move to adjourn the meeting.

Motion Proposals: First Walter ”Jack” Weberg
Second William “Patch” Pachnowski

Motion Results: Pass

Time: 11:06 a.m.